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OFFICE OF PETITIONS

In re Application of :
Parente, et al. :
Application No. 10/727,128 : DECISION ON PETITIONS
Filed: December 23, 2003 :
Attorney Docket No. 006943.00193 :
:

This is a decision on the petition under 37 CFR 1.59(b), filed October 19, 2007.

The petition to expunge is **GRANTED**.

As set forth in MPEP 724.05, a petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
- (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

As the instant application is an Image File Wrapper (IFW), the petition to expunge will be effectuated by closing the record concerned to the public.

The matter is being forwarded to Group Art Unit 1794.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Cliff Congo
Petitions Attorney
Office of Petitions